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EXAMINER

NGUYEN, STEVEN C

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,194	Applicant(s) HAGA ET AL.	
	Examiner STEVEN C. NGUYEN	Art Unit 4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/27/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/25/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 32 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 32 recites a "program executed by a terminal device." A program is not a process, machine, manufacture, or composition of matter. Please refer to MPEP 2106.01.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 recites the limitation "rating points" in line 3. There is insufficient antecedent basis for this limitation as the independent claim that Claim 30 relies on (Claim 9) has no mention of "rating points."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-32, are rejected under 35 U.S.C. 102(e) as being anticipated by Dutta et. al. (US 2002/0138471) hereinafter Dutta.

In reference to **Claim 1**, Dutta teaches a plurality of rating information storing terminal devices (Figure 1A, #'s 105, 106, 107, 109, 111, 113) connected to the network (Figure 1A, #101) each rating information storing terminal device having stored therein rating information related to an object (Page 1, Paragraph 11, Lines 6-7) previously rated by the user (Page 4, Paragraph 52, Lines 3-5, although the user is not the actual one providing the rating, it is inherent that the user node is being utilized by a user);

and one or more rating information collecting terminal devices for collecting rating information related to a desired object from one or more online rating information storing terminal devices (Page 1, Paragraph 11, Lines 11-12),

wherein each rating information collecting terminal device includes a rating analyzing section operable to analyze the rating information collected from said one or

more rating information storing terminal devices to obtain a rating for the desired object (Page 7, Paragraph 77, Lines 9-10).

In reference to **Claim 2**, the limitations of Claim 1 have been addressed above. Dutta also teaches that the mutual rating system comprises one or more content providing terminal devices each having content stored therein and transmitting the content on demand (Page 5, Paragraph 56, Lines 4-8),

wherein each rating information collecting terminal device further includes a content demanding section operable to demand a content providing terminal device having the desired content stored therein to transmit the content (Page 5, Paragraph 56, Lines 4-8).

In reference to **Claim 3**, the limitations of Claims 1 and 2 have been addressed above. Dutta teaches that each rating information storing terminal device further includes a download history storing section having stored therein a communication history (number of times a file has been accessed) of content downloaded from said one or more content providing terminal devices (Page 5, Paragraph 60, Lines 2-4),

wherein each rating information collecting terminal device further includes a communication history collecting section operable to, when demanding said one or more content providing terminal devices to transmit the desired content, collect a communication history related to said one or more content providing terminal devices stored in online rating information storing terminal devices (Page 5, Paragraph 60, Lines 7-13), and

wherein the rating analyzing section analyzes the communication history collected by the communication history collecting section to determine whether to download the desired content from a content providing terminal device having the desired content stored therein (Page 5, Paragraph 60, Lines 7-13).

In reference to **Claim 4**, the limitations of Claims 1, 2, and 3 have been addressed above. Dutta teaches a download history storing section that stores the communication history so as to be associated with content types (Page 5, Paragraph 61, Lines 3-5), and

wherein the rating analyzing section refers to the content types to determine whether to demand content transmission (Page 5, Paragraph 61, Lines 3-5).

In reference to **Claim 7**, the limitations of Claims 1 and 2 have been addressed above. Dutta teaches a rating information input section operable to cause, after the completion of download of desired content, the user to input rating information related to said one or more content providing terminals and/or content providers of the desired content (Page 1, Paragraph 11, Lines 6-12, after the content is downloaded, the peer node is what rates the completed search that content terminals/providers send back and that is based upon the keywords that the user had input)

and to store the inputted rating information (Page 1, Paragraph 11, Lines 11-12);

and a rating information feeding back section operable to feed back the rating information stored by the rating information input section to other rating information collecting terminal devices and rating information storing terminal devices on the network (Page 6, Paragraph 74, Lines 6-12 and Page 7, Paragraph 75, Lines 1-7), and

wherein each rating information storing terminal device further includes a fed back rating information storing section which uses a prescribed technique to analyze the rating information fed back from the rating information feeding back section, and stores the analyzed rating information (Page 5, Paragraph 63, Lines 6-9, this shows the usage of a prescribed technique, in this case weighting, that would analyze the rating information).

In reference to **Claim 8**, the limitations of Claim 1 have been addressed above. Dutta teaches that each rating information collecting terminal device (Page 1, Paragraph 11, Lines 11-12) further includes: a rating information storing section having stored therein the rating information related to the objects previously rated by the user (Page 1, Paragraph 11, Lines 11-12), and

wherein each rating information storing terminal device (Figure 1A, #'s 105, 106, 107, 109, 111, 113) further includes a:

rating information collecting section operable to collect the rating information related to the desired object from one or more online information collecting terminal devices (Page 1, Paragraph 11, Lines 6-7); and

a collected rating information analyzing section operable to analyze the rating information collected by the rating information collecting section to obtain a rating for the desired object (Page 4, Paragraph 52, Lines 8-12)

In reference to **Claim 9**, Dutta teaches a rating information collecting terminal device for obtaining rating information related to an object associated with a network (Page 1, Paragraph 11, Lines 11-12) to which a plurality of rating information storing

terminal devices are connected (Figure 5 shows nodes connected to a rating server), each rating information storing terminal device having stored therein rating information related to objects previously rated by the user (Page 1, Paragraph 11, Lines 6-7), the rating information collecting terminal device comprising:

a rating information collecting section operable to collect rating information related to a desired object from one or more online rating information storing terminal devices (Page 1, Paragraph 11, Lines 6-8); and

a rating analyzing section operable to analyze the rating information collected by the rating information collecting section to obtain a rating for the desired object (Page 7, Paragraph 77, Lines 9-10)

In reference to **Claim 10**, the limitations of Claim 9 have been addressed above. Dutta teaches that the rating information collecting section collects the rating information from said one or more rating information storing terminal devices only when a prescribed condition is satisfied (Page 7, Paragraph 79, Lines 3-8).

In reference to **Claim 11**, the limitations of Claim 9 have been addressed above. Dutta teaches that the rating information collecting section collects the rating information from all the online rating information storing terminal devices (Page 7, Paragraph 77, Lines 9-10).

In reference to **Claim 12**, the limitations of Claim 9 have been addressed above. Dutta teaches that the rating information collecting section collects the rating information from a specific rating information storing terminal (Page 7, Paragraph 77, Lines 9-10).

In reference to **Claim 13**, the limitations of Claim 9 have been addressed above. Dutta teaches that the object is a user on the network, an online terminal device, or content stored in the online terminal device (Page 1, Paragraph 11, Lines 8-11, the object in this case would be the string of keywords used which is considered content)

In reference to **Claim 14**, the limitations of Claim 9 have been addressed above. Dutta teaches that the rating information collecting terminal device comprises a reliability information storing section having stored therein reliability information which indicates reliabilities of the rating information storing terminal devices and/or rating information providers present on the network (Page 7, Paragraph 84, Lines 2-7), wherein when obtaining a rating result, the rating information analyzing section refers to the reliability information stored in the reliability information storing section and prioritizes rating information provided by highly reliable rating information storing terminal devices and/or highly reliable rating information providers (Page 7, Paragraph 85, Lines 1-6).

In reference to **Claim 15**, the limitations of Claims 9 and 14 are addressed above. Dutta teaches that the rating information analyzing section uses weighting coefficients assigned as the reliabilities to the reliability information to obtain a weighted average, and thereby obtaining a rating result (Page 5, Paragraph 63, Lines 1-9).

In reference to **Claim 16**, the limitations of Claim 9 have been addressed above. Dutta teaches a content demanding section operable to demand transmission of desired content from one or more content providing terminal devices connected to the network,

each content providing terminal device having content stored therein and transmitting the content on demand (Page 7, Paragraph 79, Line 7).

In reference to **Claim 17**, the limitations of Claims 9 and 16 have been addressed above. Dutta teaches a content demanding section that automatically demands content transmission from said one or more content providing terminal devices (Page 7, Paragraph 79, Lines 3-8) based on a rating result obtained by the rating analyzing section (Page 7, Paragraph 85, Lines 1-6, the rating result can also be whether or not the node has registered. This provides accountability to the rating itself).

In reference to **Claim 18**, the limitations of Claims 9 and 16 have been addressed above. Dutta teaches that the rating information collecting terminal device further comprises a download history storing section to which a communication history (prior P2P searches) of content downloaded from said one or more content providing terminal devices, wherein the content demanding section determines whether to demand content transmission based on the communication history stored in the download history storing section (Page 4, Paragraph 52, Lines 8-9).

In reference to **Claim 19**, the limitations of Claims 9, 16, and 18 have been addressed above. Dutta teaches that the download history storing section stores the communication history so as to be associated with content types, and

wherein the content demanding section refers to the content types to determine whether to demand the content transmission (Page 4, Paragraph 52, Lines 8-12, within the prior searches would be the results and a list of files to choose from. From this list, content is then selected for transmission by the user).

In reference to **Claim 20**, the limitations of Claims 9 and 16 have been addressed above. Dutta teaches a rating information input section operable to cause, after the completion of download of the desired content, the user to input rating information related to said one or more content providing terminal devices and/or content providers of the desired content (Page 1, Paragraph 11, Lines 6-12), and to store the inputted rating information (Page 1, Paragraph 11, Lines 11-12).

In reference to **Claim 21**, the limitations of Claims 9, 16, and 20 have been addressed above. Dutta teaches a rating information feeding back section operable to feed back the rating information stored by the rating information input section to other rating information collecting terminal devices and rating information storing terminal devices present on the network (Page 7, Paragraph 77, Lines 9-10).

In reference to **Claim 22**, the limitations of Claims 9, 16, 20, and 21 have been addressed above. Dutta teaches that the rating information feeding back section transmits the rating information stored by the rating information input section to all the online rating information collecting terminal devices and all the online rating information storing devices (Paragraph 75, Lines 1-7).

In reference to **Claim 23**, the limitations of Claims 9, 16, 20, and 21 have been addressed above. Dutta teaches a rating information feeding back section that transmits the rating information stored by the rating information input section only to a specific rating information collecting terminal device and/or a specific rating information storing terminal device (Page 7, Paragraph 79, Lines 3-6, on an individually negotiated

basis can be transmitting information to a specific rating information collecting terminal device).

In reference to **Claim 24**, the limitations of Claims 9, 16, 20, 21, and 23 have been addressed above. Dutta teaches a rating information feeding back section that transmits the rating information stored by the rating information input section to rating information collecting terminal devices and/or rating information storing terminal devices which have returned rating information in response to a demand to transmit the rating information (Page 7, Paragraph 75, Lines 1-7).

In reference to **Claim 25**, the limitations of Claims 9, 16, 20, 21, and 23 have been addressed above. Dutta teaches that the rating information feeding back section transmits the rating information stored by the rating information input section to rating information collecting terminal devices and/or rating information storing terminal devices which have returned rating information (Page 7, Paragraph 79, Lines 3-6), which is different from the rating information stored by the rating information input section, in response to a demand to transmit the rating information (Page 7, Paragraph 79, Line 7, on request from rating server).

In reference to **Claim 26**, the limitations of Claims 9, 16, 20, and 21 have been addressed above. Dutta teaches a rating information updating section operable to update the rating information stored therein based on rating information fed back from another rating information collecting terminal device (Page 6, Paragraph 71, Lines 11-16).

In reference to **Claim 27**, the limitations of Claims 9, 16, 20, and 21 have been addressed above. Dutta teaches a fed back information transmitting section operable to transmit rating information, which has been fed back from another rating information collecting terminal device, to still another rating information collecting terminal device (Page 7, Paragraph 79, Lines 3-8).

In reference to **Claim 28**, the limitations of Claims 9, 16, and 20 have been addressed above. Dutta teaches a content rating information input section operable to cause, after reproduction of the desired content, the user to input rating information related to the desired content (Page 4, Paragraph 52, Lines 8-12, after the search is completed, the server maintains the rating of the keywords), and to store the inputted rating information (Page 1, Paragraph 11, Lines 11-12).

In reference to **Claim 29**, the limitations of Claim 9 have been addressed above. Dutta teaches that rating information indicates rating points for the objects (Page 6, Paragraph 68, Lines 1-4, the amount of usage can be tied to rating points as the usage affects the overall rating).

In reference to **Claim 30**, the limitations of Claim 9 have been addressed above. Dutta teaches that the rating information indicates distribution of the rating points for the object (Page 7, Paragraph 75, Lines 3-5, the server will send rating responses to nodes that request the information. The usage numbers affect rating and if the rating is distributed, the rating points are apart of that).

In reference to **Claim 31**, Dutta teaches a plurality of terminal devices (Figure 1A, #'s 105, 106, 107, 109, 111, 113) each being connected to the network (Figure 1A,

#101) and having stored therein rating information related to objects (Page 1, Paragraph 11, Lines 6-7) previously rated by the user (Page 4, Paragraph 52, Lines 3-5), wherein each terminal device includes: a rating information collecting section operable to collect the rating information from other online terminal devices (Page 1, Paragraph 11, Lines 6-7); and

a rating analyzing section operable to analyze the rating information collected by the rating information collecting section to obtain a rating for a desired object (Page 1, Paragraph 11, Lines 6-7).

In reference to **Claim 32**, Dutta teaches rating information storing terminal devices having stored therein rating information related to objects (Page 1, Paragraph 11, Lines 6-7) previously rated by the user (Page 4, Paragraph 52, Lines 3-5), the rating information obtaining program causing the terminal device to perform the steps of:

collecting rating information related to a desired object from one or more online rating information storing terminal devices (Page 1, Paragraph 11, Lines 6-7); and

analyzing the collected rating information to obtain a rating for the desired object (Page 1, Paragraph 11, Lines 6-7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of common practices in the art.

In reference to **Claim 5**, the limitations of Claims 1 and 2 have been addressed above. Dutta teaches one or more content providing terminal devices each determine whether to perform content upload based on the communication history (Page 7, Paragraph 79, Lines 3-8). Dutta does not teach that one or more content providing terminal devices each include an upload history storing section into which a communication history of content uploaded to the rating information collecting terminal devices is stored. It was routine in the art to have an upload history that stores communication history of content uploaded, and Official notice of such is taken. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains to include an upload history to go along with the download history that Dutta already taught. The motivation behind this would be to be able to track the popularity of various files so that less popular content can be removed and replaced by more popular content. . In a P2P system, there are generally more downloaders than there are uploaders, if one had to check records, it would save far more time to just check the upload log than the download log being that there are fewer uploaders.

In reference to **Claim 6**, the limitations of Claims 1, 2, and 5 have been addressed above. Dutta does not teach an upload history storing section that stores the communication history so as to be associated with content types. Dutta also does not

teach that one or more content providing terminal devices each refer to the content types to determine whether to perform the content upload. It was routine in the art to include an upload history storing section and have the communication history be associated with content types and to have the terminal devices refer to the content types to determine whether or not to upload the file. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains to include this upload history, communication history association with content types, and the decision of whether or not to upload based on the communication history in Dutta's teachings. The motivation behind this would be similar to the motivation of Claim 5. Since the content is being tracked by type, the data would naturally flow if content was being offered by type also in order to match. The communication history can represent how many times a file has been downloaded or accessed, it would make it even more helpful if it also listed what kind of file it was (such as a video file or music file). The motivation to include usage of content types to determine whether to perform content upload would be that if a user is requesting a movie file, they would want a result list that only had movie files shown. One would not want a result list to contain music files if they strictly wanted a movie. At the fundamental level, files should be organized by content types in a P2P environment in order to facilitate easier searching

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN C. NGUYEN whose telephone number is (571)270-5663. The examiner can normally be reached on Monday through Thursday with alternating Friday 7:30AM - 5:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Robertson can be reached on (571)272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C. N./
Steven C. Nguyen
Examiner, Art Unit 4121
June 4, 2008

/David L. Robertson/
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